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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 CHARLES SMALL,

12 Plaintiff,

13 vs.

14 MATTHEW MARTEL et al.,

15 Defendants.
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CASE NO. 09-CV-913-JM (POR)


**ORDER GRANTING
DEFENDANTS' EX PARTE
APPLICATION TO WITHDRAW
WITHOUT PREJUDICE
DEFENDANTS' MOTION TO
DISMISS PLAINTIFF'S
COMPLAINT**

Doc. No. 18

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18 Defendants filed an application to withdraw without prejudice their motion to dismiss
19 on September 30, 2010, in light of the parties' agreement to attend a settlement conference.
20 (Doc. No. 18.) Having read the foregoing application and good cause showing, the court
21 hereby GRANTS the Defendants' request and orders the motion to dismiss (Doc. No. 3)
22 withdrawn without prejudice. Defendants may re-file their motion to dismiss within thirty days
23 after the December 3, 2010 status conference, if the case does not settle before then.

24 **IT IS SO ORDERED.**

25 DATED: September 30, 2010

26 
27 Hon. Jeffrey T. Miller
United States District Judge
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